

**IN THE HIGH COURT OF UTTARTANCHAL
AT NAINITAL**

Criminal Misc. Application No. 577 of 2005

1. Sri Noor Hasan S/o Sri Nannu
 2. Sri Maihandi Hasan S/o Sri Naanu
 3. Sri Naseem Ahmed S/o Sri Munna
 4. Sri Mohd. Kashim S/o Munna
 5. Sri Mohd. Suleman S/o Sri Rustam
 6. Saleem Ahmed S/o Maksood Ali
 7. Tahir Ali S/o Noor Hasan
- All R/o Village Mehuwala Maaphi
Plice Station Patelnagar, District Dehradun ...Applicants

Versus

1. II Additional Civil Judge (J.D.)/J.M. Dehradun
 2. State of Uttaranchal
 3. Maherbaan Ali S/o Late Navabuddin
- R/o Village Mehuwal Maaphi
Police Station Patelnagar
District Dehradun ..Respondents

Hon'ble B.C. Kandpal, J

By way of this petition under Section 482 Cr.P.C., a relief has been sought for quashing the complaint case (Annexure-1 to the petition) as well as quashing the order dated 02.08.2005 (Annexure 2 to the petition) taking the cognizance in case Crime No. 175 of 2004 under Sections 147, 148, 323, 504 and 452 of I.P.C.

Heard learned counsel for the petitioners and perused the record.

The impugned order taking the cognizance passed by the Magistrate cannot be quashed, only on the ground that meticulous consideration of evidence was required at the time of summoning the accused/petitioners. The court below was not required to record detailed reasons for summoning and the proceeding pending before the court below cannot be disturbed on that count. The contention raised by the learned counsel for the petitioners relate to the question of facts, which could only be seen at the trial.

I do not find any serious miscarriage of justice and abuse of process of court. I also could not lay my hands on this aspect that any mandatory provision of law was not complied with.

The petition lacks merit and is accordingly dismissed in limine.

(B.C. Kandpal,J.)

06.09.2005

ASWAL